

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	Docket No. GN 25-133
Delete, Delete, Delete	)	DA 25-219

To: Marlene Dortch, Secretary
Federal Communications Commission
Attention: Media Bureau

COMMENTS

SSR Communications, Inc. (“SSR”) hereby submits the following comments in support of the above-captioned proceeding (GN 25-133, DA 25-219). SSR applauds the Commission for its ongoing “Delete, Delete, Delete” deregulatory initiative and respectfully requests six specific regulatory relief actions. As an initial matter, SSR respectfully asks the Commission to repeal or establish a waiver procedure for a portion of its “Rural Radio” rulemaking (MB Docket Number 09-52, RM-11528). SSR also asks the Commission to remove language from Section 73.3555(a)(1) of its Rules that pertains to AM and FM broadcast station ownership “subcaps,” but requests the overall station ownership limitations to remain in place. SSR additionally asks that the Commission eliminate or substantially relax the minimum spacing standards of Section 73.215(e) of its Rules. Further, SSR respectfully requests that the Commission relax Section 73.315 of its Rules to allow non-reserved FM broadcast facilities to utilize a station's proposed F(50,50) 60 dBu (1.0 mV/m) coverage contour in lieu of its F(50,50) 70 dBu (3.16 mV/m) coverage contour when demonstrating requisite coverage. SSR as well asks the Commission to delete “abandoned” FM allocations in cases in which a licensee has

surrendered its license. SSR requests that the Commission relax the spacing standards of Sections 73.207, 73.213, 73.215, 73.509, and 73.3573 of its Rules to eliminate 600 kHz “third adjacent channel” protections. SSR believes that each of its six proposed rule changes will offer substantial regulatory relief and will encourage significant new investment in the broadcast industry.

RURAL RADIO DISCUSSION

SSR respectfully asks the Commission to repeal or relax its “Rural Radio” (MB Docket Number 09-52, RM-11528) policies as they pertain to the Urban Area Service Presumption (“UASP”) in cases involving an Urban Area (“UA”) with a relatively small population. Pursuant to the Commission’s current policy, a station proposing to be licensed to a community located within any UA or which would place a principal community signal over more than 50 percent of any UA, or that could be modified to do so, will be presumed to be proposing to serve the entire UA rather than the particular community specified *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, 26 FCC Rcd 2556 (2011). While this presumption theoretically can be rebutted, in practice, the high bar for such showings has proven to be virtually insurmountable. The Commission’s stated goals for adopting the UASP were to rein in the perceived disproportionate allotment and assignment of AM and FM stations to well-served UA’s and to promote a more equitable distribution of radio service among rural and urban areas. *Id.* at 2564. While well-intentioned, this policy has not advanced its goals, but rather has proven to disserve the public interest in a number of respects.

Part of the problem comes from lumping together all 510 UA's, from New York-Jersey City-Newark, NY-NJ to Walla Walla, WA-OR. Clearly, a major metropolitan area with a population of well over 19 million people differs in most respects from a small city with just over 50,000 residents, but both are officially UA's. Additionally, the UASP policy and the burdens it imposes on broadcasters seeking to improve their stations, as well as on the Commission staff, have served only to stagnate radio service, as competition for the ears of the listening public continues to increase. The fact that the Commission looks not only at the proposal before it but also at potential further moves which an applicant theoretically might make at an indeterminate point in the future exacerbates those burdens on both licensees and Commission. The resulting impracticality of seeking improved facilities is especially difficult for stations located in tiny rural communities, with limited population and few businesses to purchase advertising time. If a station finds itself in an unsustainable financial position and is precluded from modifying its facilities in order to improve the situation, nothing can stop that station from simply going out of business. Clearly, this loss of rural service is more complete and permanent than a change in the station's location. Stated another way, the UASP cannot force an unprofitable station to keep operating to serve its community.

As noted above, a major problem with the UASP is that it treats all UA's as essentially equal, whether it is the eighth UA of Washington-Arlington DC-VA-MD, with a population of 5,174,759 and a land area of 1,294.51 square miles,¹ the 255th UA, about halfway down the list, of St. George, Utah, with a population of 134,109 and a land area of 61.03 square miles, or the 507th DMA of Enid, Oklahoma, with a population of

¹ All figures are taken from [*"Urban and Rural: List of 2020 Census Urban Areas". United States Census Bureau.*](#)

50,194 and a land area of 29.49 square miles. It is difficult to see how a relatively small business and population center in the middle of a large rural area and far from any major metropolitan area, such as Enid, or Minot, ND (population 50,925) or even Bristol, TN-VA (population 70,638) differ significantly from the rural areas which surround them. Indeed, such relatively small communities furnish the center of most business, social, medical, and educational activities for the residents of the outlying rural areas. Because such communities have sufficient population to support local businesses, retail outlets, clubs, medical offices, regional schools, and religious institutions, those entities are able to buy time to support a local radio station. Chaining a station to a community which is little more than a crossroads with virtually no commercial activity simply makes no practical sense. Moreover, even if the station is able to survive and not shut down, limited funds serve to limit the local service it can provide. Thus, once again, the goal of promoting rural radio service is impeded rather than advance.

Another detriment of the policy is that the imposition of the UASP on stations seeking to improve their service to the public places a needless burden upon a licensee or permittee, who must delve into many details to demonstrate the independence of its proposed community from any UA, as well as on Commission staff, who must review and analyze the minutiae of these voluminous and detailed proposals, generally just to reject them. The substantial and often fruitless effort involved also discourages station enhancement, while handcuffing a station's coverage to a limited rural area. When a licensee or permittee does identify a technical feasible upgrade or station improvement that may make its otherwise failing station viable, it is unable even to propose such an improvement without first submitting a burdensome UASP rebuttal to the Commission,

and it knows that its chances of success are slim. Maintaining the UASP as-is means that the licensee of a failing station is presented with a choice between investing a great deal of time and money to make the necessary UASP rebuttal in the hope of improving its facility sufficiently to keep the station afloat, but with limited chances of success, or simply going out of business. Clearly, the latter choice is easier, and many stations have found that the land on which the transmission facilities are located is more valuable than the station as a going concern. The number of station licenses which have recently been turned in attests to this problem. Having a rural radio station go permanently silent because of an inability to upgrade its facility does not promote rural radio, but rather accomplishes the opposite.

Among the patently absurd requirements needed in a UASP rebuttal is a showing that a station or permit could not serve at least 50% of an urban area from *any* existing tower location, even if a given licensee or permittee is not requesting such coverage in its application filing. In other words, a licensee or permittee must not only consider the antenna site that it *actually* desires for a station's improvement, but also *all other possible locations* for its license or permit. If even *one* possible antenna location amongst thousands violates the UASP, then a licensee or permittee is prohibited from carrying out its desired upgrade. While this provision is designed to prevent licensees from achieving in two steps what they could not achieve in one, it requires both speculation and an assumption of deceptive intent. The cost of two moves rather than one is generally not negligible, and the amount of UA coverage proposed in a second modification application closely following a first could be considered at the time of the second filing, if or when it ever occurs.

SSR respectfully believes that the Commission desperately needs reform in its application of the UASP rebuttal requirements. SSR suggests that the UASP should not apply to cases in which the population of the United States Census Urban Area in question is fewer than 500,000 persons, or alternatively, in any case in which a station licensee or permittee proposes a facility that would serve 500,000 persons or fewer within its F(50,50) 60 dBu primary service contour. SSR asserts that, as service improvements of this type would be limited almost exclusively to communities outside of the Top 100 Nielsen rated media markets, this relaxation of the UASP would not cause a flood of applications from stations looking to migrate from rural communities to urbanized areas. Rather, it would give rural operators much needed flexibility in proposing signal improvements that will result in the gain of service to small metro areas that happen to carry the designation of a United States Census Urban Area.

OWNERSHIP SUBCAP DISCUSSION

SSR respectfully requests that the Commission retain its overall AM and FM radio station ownership limitations in Section 73.3555(a)(1) of its Rules but asks that the ownership “subcaps” be eliminated. SSR believes that the Commission should relax its ownership limitations in this way, as the broadcast industry has no doubt faced an onslaught of additional competitors since the ownership rules were last amended. Even so, the Commission should relax its ownership rules with a sense of balance in mind. The complete elimination of Section 73.3555 could result in one operator’s effectively controlling *all* broadcast outlets in any given market, which would result in an inherently anti-competitive, monopolistic situation. Elimination of broadcast ownership subcaps, by

contrast, would encourage any given operator to pursue only the best possible signals to serve its market without shutting out all other possible competitors from doing the same.

SECTION 73.215(e) ELIMINATION DISCUSSION

SSR asks that the Commission relax or eliminate the minimum FM spacing standards of Section 73.215(e) of its Rules as they no longer serve an identifiable purpose. Many broadcasters have attempted to receive a waiver of this rule, even though it is exceedingly rare for the Commission to grant one. Retention of this rule only serves to stifle investment into FM service improvements. There are many instances in which a proposed FM broadcast facility would not cause prohibited overlap to a neighboring station, but a licensee or permittee seeking such an authorization is nonetheless prohibited from doing so by the absolute minimum distance requirements of Section 73.215(e). Often, application of this rule forces a licensee or permittee to select an inferior or remote antenna site that complies with Section 73.215(e), when a superior and more accessible tower site may exist just barely inside of the limit specified in the Commission's distance separation table. The Commission placed Section 73.215(e) in its Rules in part because directional antennas were not always “stable” and could emit more signal than predicted in a given direction, thus creating the need for minimum distances between facilities. Modern FM antenna designs, by contrast, *are* sufficiently stable so as to limit radiation significantly in the direction of a neighboring station. Thus, one justification for the retaining the rule no longer applies. If the Commission has no appetite to eliminate Section 73.215(e) altogether, however, SSR proposes that the distance separation table be reduced by 25% across the board, or failing that, the

Commission should establish guidelines for a realistic waiver process with regard to Section 73.215(e), as a waiver is something that is nearly impossible to obtain at present.

SECTION 73.315 COMMUNITY COVERAGE DISCUSSION

SSR respectfully asks the Commission to relax its community coverage signal strength requirements of a proposed non-reserved FM facility such that a station's intended F(50,50) 60 dBu (1.0 mV/m) coverage contour be sufficient for coverage of its community of license. Such a change would more closely align with the community coverage requirements of Section 73.515 of the Commission's Rules for noncommercial educational ("NCE") FM facilities but would still remain more stringent than the requirement for NCE FM stations, which are required to cover only 50 percent of the community of license. The ability to receive a station does not depend on the content of the programming broadcast. If a NCE FM station can serve the public of a community, which NCE FM stations also are required to do, with a 60 dBu signal, then so can a commercial station. Indeed, in examining the limits beyond which an FM translator should not be deemed to interfere with a primary station, the Commission found that listeners could receive regular service even within the 45 dBu contour. SSR further notes that, in cases where an alternative signal propagation methodology is employed to demonstrate Section 73.315 compliance (such as Longley-Rice or Point-To-Point) to show requisite 70 dBu coverage over a given community, the Commission requires that the given community lie within a facility's F(50,50) 60 dBu contour anyway. Therefore, if the Commission were to adopt SSR's request to relax the Section 73.315 coverage requirements, there would be no need for licensees or permittees to have to employ

alternative signal propagation coverage methodology in the first place, significantly easing the burden on the Commission's application processing staff and applicants alike.

ABANDONED FM ALLOTMENT DELETION DISCUSSION

SSR asks the Commission to delete “abandoned” FM allocations in the case of a licensee surrendering its license, rather than retaining the vacated allotment for future use. No other radio broadcast service (NCE FM radio, AM radio, Low Power FM, or FM translators) mandates that a station with a surrendered license or construction permit retain an allotment “ghost” of its former license. In these cases, surrendered signals are effectively “gone, but not forgotten.” Elimination of this policy will encourage investment from neighboring and adjacent stations who seek signal improvements as failing stations are able to be deleted “completely,” whereas now the permanence of such abandoned FM allocations thwarts such upgrade opportunities. While it may be possible to delete a vacant allotment after an auction during which no one applies for or bids on that allotment, the time between auctions is unpredictable and has become quite long. Indeed, at the current time, no such auctions are possible.

Generally, a station license or construction permit is surrendered either when a licensee finds that it simply cannot afford to keep a station operating, or when a permittee runs out of resources to build the authorized station. In both cases, the circumstances are dire before the authorization is abandoned. Where a licensee or permittee has been forced into the position of giving up either what had been a going concern and community fixture or the dream of a new station to serve the public, there is little reason to think that someone else is likely to come along and magically overcome the same circumstances to

make a go of the station. Indeed, in the case of a new station, the initial allotment was subject to a competitive bidding process designed to ensure that the strongest available applicant would emerge as the permittee, and if this entity could not build and operate its station viably, then it is beyond unlikely that another potential licensee would be able to do so. Therefore, an abandoned station's allocation need not be retained, and SSR asserts that non-reserved FM allocations should be treated like other radio broadcast services. When a station license has been surrendered, it should be truly and completely eliminated.

THIRD ADJACENT CHANNEL PROTECTION ELIMINATION DISCUSSION

SSR asks the Commission to reduce or outright eliminate the “third adjacent channel” spacing requirements. SSR believes that removal of third adjacent channel spacing standards will encourage substantial investment in FM station upgrades that are stifled at present. Specifically, SSR asks the Commission to amend Sections 73.207, 73.213, 73.215, 73.509, and 73.3573 of its Rules to eliminate the necessity that full power FM station applicants respect third adjacent +/- 600 kHz spacing considerations when proposing new or modified broadcast facilities. FM broadcasting is a mature service and that modern radio receivers are sufficiently selective to invalidate any preexistent interference concerns that may have necessitated prior third adjacent spacing protections.

There is simply no engineering reason to retain 600 kHz third adjacent spacing protections. In 2003, in a report that is already over two decades old now, the Commission commissioned a study from the MITRE corporation which tested the ability

of a variety of radio receivers at that time to reject third-adjacent channel interference. Although the MITRE report considered low power scenarios, even at that time using receivers of that era, third-adjacent interference was essentially non-existent beyond the immediate vicinity of a station's broadcast tower site. Another limited 2007 NPR Labs report for both analog and digital hybrid radio studied over *forty* receivers of that era and found almost no third adjacent channel interference issues between a handful of stations. The International Telecommunication Union Radiocommunication Sector (ITU-R) has also arrived at similar conclusions when contemplating this issue.

There are also many “real world” examples to support the claim of limited potential interference, including that of a recently authorized (2019) high powered station operating within a Nielsen Top 10 market. FM Class C1 station WSBB 95.5 FM at Doraville, Georgia, is essentially broadcasting in the backyard of *two* third-adjacent powerful FM Class C1 and FM Class C0 stations, WUBL 94.9 FM and WDGR 96.1 FM at Atlanta, Georgia, and has operated without any formal complaints of third-adjacent channel interference for over five years now. There are also dozens of other real world examples of full power radio stations authorized prior to 1964 co-existing with other third adjacent FM stations within the same immediate area without any reported interference problems.

Further, interference from third-adjacent channel stations (and, to a lesser extent, second-adjacent stations) is not well defined by a single ratio at the desired station’s protected contour, despite being subject to allocation rules. Third-adjacent stations could, for example, coexist effectively with legacy superheterodyne receivers located near, or even collocated with an existing station, as the signal ratios around both stations would

remain relatively consistent within a margin determined by receiver performance. The ability of third-adjacent channel LPFM and FM translators facilities to function within the service area of a full-service station exemplifies this concept. Additionally, radios are increasingly adopting Software-Defined Receiver (SDR) designs, moving away from traditional superheterodyne systems that rely on RF amplifiers and mixers requiring precise filtering techniques. SDR receivers offer exceptionally high selectivity and can match or surpass the performance of conventional superhet circuits. With sufficient dynamic range, they can handle effectively stations spaced three channels apart without any interference concerns.

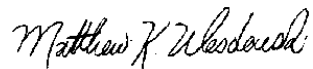
Elimination of third adjacent spacing considerations for full power FM broadcast stations will open up new station and upgrade opportunities for existing broadcasters without causing any real-world interference to neighboring stations. SSR notes, for example, that other countries have already discontinued or significantly relaxed third adjacent channel spacing protection requirements. Reception will improve for many listeners all over the country, consistent with the Commission's mandate of fair distribution of spectrum, as well as being in the interest of the public.

CONCLUSION

SSR applauds the Commission and its commitment to streamlining regulations and promoting investment in the broadcast industry. The regulatory relief actions proposed herein aim to reduce unnecessary burdens, enhance station flexibility, and foster industry growth while maintaining fair competition and service reliability. By repealing or modifying the Rural Radio UASP rules, eliminating station ownership

subcaps, relaxing outdated Section 73.215(e) spacing requirements, updating community coverage standards, allowing for the complete deletion of abandoned FM allocations, and removing or relaxing third-adjacent channel protections, the Commission can create a more dynamic and competitive broadcasting environment. Taken together, these reforms will enable broadcasters to modernize their facilities, improve service coverage, and better serve their communities. These changes will promote a more efficient use of spectrum, encourage station upgrades and investment in broadcasting, and ultimately enhance the listening experience for audiences nationwide. SSR urges the Commission to adopt these proposals without delay and continue its deregulatory efforts to support the evolving needs of the broadcasting industry.

Respectfully submitted,



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